

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

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THIS DOCUMENT RELATES TO:

Lloyd Parker Jr. (0:17-cv-03573-JNE-DTS)  
David Baker (0:17-cv-04375-JNE-DTS)  
Mary Cunningham (0:17-cv-04512-JNE-DTS)  
Stephanie Henderson (0:17-cv-04517-JNE-DTS)  
Bennie Murphy (0:17-cv-04857- JNE-DTS)  
Ethel McDonald (0:17-cv-04877- JNE-DTS)  
Karen Potter (0:17-cv-04881-JNE-DTS)  
Renate Edwards (0:17-cv-04891- JNE-DTS)  
Todd Johnston (0:17-cv-05270- JNE-DTS)  
Willard Billings (0:17-cv-05277- JNE-DTS)  
Janice Taplin (0:17-cv-05370-JNE-DTS)  
Anne Bresnock (0:17-cv-05371- JNE-DTS)  
Bertha Swales (0:18-cv-00045- JNE-DTS)  
Larry Homsher (0:18-cv-00757- JNE-DTS)

**DECLARATION OF DANIEL C. BURKE IN SUPPORT OF PLAINTIFFS’  
OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS**

I, Daniel C. Burke, declare as follows:

1. I am an attorney at Bernstein Liebhard LLP, counsel of record for Plaintiffs in the above-captioned matters.
2. I submit this declaration in opposition to Defendants’ Motion to Dismiss for Failure to Comply with the Pretrial Order No. 14.

3. The undersigned only received notice of Defendants' intent to file the instant Motion in the *Bresnock, Potter, Taplin, Swales* matters on August 31, 2018.
4. The undersigned did not receive notice of Defendants' intent to file the instant Motion in the *Parker, Baker, Cunningham, Henderson, Murphy, Edwards, Johnston, Billings, Homsher* matters until the date that Defendants' Motion was filed on September 6, 2018 [Dkt. 1463], despite having entered an appearance for each of the above-captioned matters.
5. The undersigned diligently initiated efforts to cure the alleged core deficiencies and served fact sheets.

Pursuant to 28 U.S.C. § 1746(2), I declare under the penalty of perjury that the foregoing is true and correct.

DATED: September 12, 2018

/s/ Daniel C. Burke  
Daniel C. Burke